STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	No.	Y-09/09-500
)				
Appeal of)				

INTRODUCTION

The petitioner appeals a decision of the Office of

Vermont Health Access (OVHA) denying her coverage for

orthodonture under the Vermont Health Access Program (VHAP).

The issue is whether orthodonture is a covered service under

VHAP.

FINDING OF FACT

The petitioner is a VHAP recipient who sustained severe facial injuries in a hiking accident. The petitioner has requested, and OVHA has denied, VHAP coverage for orthodonture to correct the alignment of her teeth following surgery involving her face and jaw. There is no dispute at this time that orthodonture is medically necessary to restore the petitioner's ability to chew properly. The petitioner is a professional entertainer, and there is also no dispute that orthodonture is necessary to restore her appearance.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations, which serve as a framework for VHAP coverage, provide that orthodonture is not covered for recipients ages 21 and older. W.A.M. § 7314.1. More specifically, VHAP coverage is limited to those services and supplies listed in W.A.M. § 5351. Orthodonture is not listed for coverage under any provision in the VHAP regulations. Moreover, VHAP, unlike Medicaid, has no provision for exceptions to non-coverage based on medical necessity or detrimental health consequences. See Id. § M108. As the Department's decision denying VHAP orthodonture coverage to the petitioner is in accordance with its regulations, the Board is bound to uphold the Department's decision.

V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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¹ The petitioner is advised to apply for Vocational Rehabilitation services, which might include coverage for medical expenses necessary for her to return to her past work.